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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,954

04/05/2004

Erik J. Shahoian

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08/21/2007

IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP

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EXAMINER

BECK, ALEXANDER S

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

08/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,954

Applicant(s)

SHAHOIAN ET AL.

Examiner

Alexander S. Beck

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-50, 52-55 and 85-113 is/are pending in the application.
- 4a) Of the above claim(s) 86, 89-93, 96, 99-103, 105 and 108-112 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-50, 52-55, 85, 87, 88, 94, 95, 97, 98, 104, 106, 107 and 113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070604; 20070702.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Acknowledgment is made of the amendment filed by the applicant on June 4, 2007 (hereinafter "amendment"), in response to the non-final Office action mailed on February 2, 2007 (hereinafter "previous Office action"), and in which: claims 46, 55 and 94 are amended; claims 51 is cancelled; and the rejections of the claims are traversed. Claims 46-50, 52-55 and 85-113 are currently pending in U.S. Patent Application No. 10/816,954, of which claims 86, 89-93, 96, 99-103, 105 and 108-112 are withdrawn, and an Office action on the merits follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 46-50, 52-55, 85-88 and 94-98 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

As to claims 46 and 94, there is no support for the amended limitation "an actuator sensor coupled to the actuator and configured to measure the amount of rotation of the eccentric mass when the actuator is activated, wherein the actuator controls the amount of rotation of the

Art Unit: 2629

eccentric mass in response to the measured amount of rotation to output an inertial haptic effect pulse to the housing”, and is therefore new matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 104, 107 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over a computer-generated English translation of JP Patent Publication No. 09-026850 by Ozaka et al. (hereinafter “Ozaka”) in view of U.S. Patent No. 5,828,364 to Siddiqui (hereinafter “Siddiqui”).

As to claims 104 and 113, Ozaka discloses an interface device for use with a computer device in drawings 2, 10 and 16, comprising: a housing having a top portion and a base portion; means for sensing a manipulation of the housing by a user, wherein the means for sensing outputs a sensing signal to the computer device; and means (201, 202) coupled to the top portion

Art Unit: 2629

and for producing an inertial haptic force to the top portion, the means for producing having an eccentric mass rotated about a shaft in response to an actuating signal from the computer device.

(Ozaka at ¶¶ [0008, 0080].)

Ozaka does not disclose expressly wherein the top portion is removable with respect to the base portion. Siddiqui discloses a computer mouse wherein a top portion is removable with respect to a base portion due to a plurality releasable fastening means. All of the component parts are known in Ozaka and Siddiqui. The only difference is the combination of the “old elements” into a single device by having the haptic interface device with a removable cover.

Thus, it would have been obvious to one having ordinary skill in the art to implement the plurality of releasable fastening means for detaching a top portion from a base portion taught by Siddiqui into the computer mouse of Ozaka, since the operation of the releasable fastening means is in no way dependent on the operation of the other mouse components, and a detachable cover could be used in combination with a standard computer mouse to achieve the predictable results of detaching a top portion from a bottom portion.

As to claim 107, Ozaka as modified by Siddiqui teaches/suggests wherein the moveable portion is graspable by the user. (Ozaka at drawing 2.)

6. Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,452,586 to Holmdahl et al. (hereinafter “Holmdahl”) in view of Ozaka.

As to claim 106, the limitations of claims 104 and 106 are rejected by Holmdahl and Ozaka for the same reasons as set forth in pages 5 and 6 of the previous Office action. It is the examiner’s position that the limitations of claim 106 are not supported by U.S. Patent No.

Art Unit: 2629

6,088,019, as argued in page 15 of the amendment, and Holmdahl may therefore be used as prior art to support an obviousness rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander S. Beck whose telephone number is (571) 272-7765. The examiner can normally be reached on M-F, 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

asb
August 19, 2007



**RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
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